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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,875	06/25/2001	Harold Cote	3795/0J514	9036

7590 05/17/2005

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805 Third Avenue
New York, NY 10022

EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,875

Applicant(s)

COTE ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,21-23,25-32 and 34-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,21-23,25-32 and 34-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 2/15/05.

According to the amendment, claims 19-20, 24 and 33 have been canceled, claims 35-38 have been added, and claims 1-18, 21-23, 25-32, and 34-38 are pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18, 21-23, 25-32, and 34-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation in claims 1, 30 and 32, and the new claim 35, contain new matter. In particular, the disclosure as originally filed does not contain "at least one initiator code encoding an outcome and a game seed" in claim 1, line 2; "providing an initiator code encoding a predetermined game outcome and game seeds" in claim 30, line 3; "an initiator code encoding a plurality of game seeds and

predetermined game outcomes” in claim 32, line 3; and “providing initiator codes encoding game outcomes and game seeds” in claim 35, line 4. It is requested applicant direct the examiners attention to the specific lines of the original disclosure where full support of the claimed limitations may be found.

The remaining claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18, 21-23, 25-32, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muir (US 2004/0166942) in view of Kaye (US patent No. 5,709,603).

As per claim 1, Muir discloses a computer gambling game comprising a computer program for reading the game seed to generate sequences of game states (paragraphs 0117-0118, 0067, 0071) so that a predetermined outcome may be reached by a match outcome-game seed pairs. Muir does not explicitly disclose an initiator code that encodes an outcome and a game seed. However,

Muir suggests encoding an outcome and a game seed and storing the encoded data in a memory (paragraphs 0120, 0264, 0106, 0119, and 0122). Further, Kaye discloses an initiator code for encoding data (col. 7, lines 9-15; and col. 14, lines 34-35). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the initiator code of Kaye for encoding the outcome and the game seed of Muir in order to secure the outcome and the game seed to prevent cheating.

As per claim 2-6 and 37, indexing and storing game seed in a database for facilitating retrieving a game seed, using symbol code in an instant lottery ticket and using a control number for validating the outcome would have been well known to a person of ordinary skill in the art at the time the invention was made. Further, relating an initiator code with the index in order to retrieve a correct seed corresponding with the program code would have been obvious design choice.

As per claim 7-9, Kaye discloses verifying an entry (col. 7, lines 21-25). Further, including data for verifying purpose in a look up table, encrypting or decrypting data in a database according to an encryption key would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 10-11, refer to discussion in claims 1-2 above.

As per claim 12-15, Kaye discloses writing a program on a CD-ROM (col. 7, lines 2-5). Further, as to claims 14-15, downloading a program or an initiator code from a computer network would have been well known.

As per claim 16-18, Kaye discloses an adventure game (col. 8, lines 2-20). Further, implementing a casino game or a gambling game on a computer game would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claims 35-36, refer to discussion in claims 1-2 above.

As per claim 21, shuffling game seeds before storing the game seeds in a memory device would have been well known.

As per claim 22-23, refer to discussion in claims 7 and 10-11 above.

As per claim 25, Kaye discloses storing the initiator code (col. 3, lines 20-21). Further, storing data in a computer readable database would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 26-32 and 34, refer to discussion in claims 1-6, 8, 11, and 15 above. Further, representing a code in binary format, downloading a code before inputting the code to a computer both well known and obvious design choice.

As per claim 38, Muir discloses linking the game seed and outcome by a unidirectional relation (paragraph 0241).

Response to Arguments

4. Applicant's arguments in the amendment on 2/15/05 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

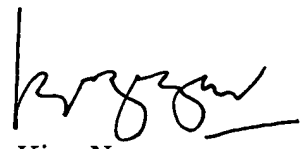
(703) 872-9306, (for formal communications; please mark
"EXPEDITED PROCEDURE")

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

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Date: May 12, 2005



Kim Nguyen
Primary Examiner
Art Unit 3713